UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

UNITED STATES OF AMERICA

v.   **SENTENCING MINUTES**

ANDREW JON THOMASBERG   Case No. 1:19CR337

HONORABLE LIAM O'GRADY presiding   Time Called: <u>10:04 a.m.</u>
Proceeding Held: February 28, 2020   Time Concluded: <u>10:43 a.m.</u>
Deputy Clerk: Amanda   Court Reporter: <u>S. Wallace</u>

<u>Appearances:</u>

UNITED STATES OF AMERICA by: Anthony Mariano, Ronald Walutes
ANDREW THOMASBERG in person and by: Gretchen Taylor

INTERPRETER: None   ☐ Interpreter Sworn

☒ The parties have no objections to the factual statements in the PSR   ☐ The parties have no objections to the application of the guidelines in the PSR

☐ Objections/corrections to factual statements in PSR by ☐ Plaintiff ☐ Defendant   ☒ Objections/corrections to application of guidelines by ☐ Plaintiff ☒ Defendant

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☒ The government presents sentencing argument: Recommends 18 months.   ☒ The defendant presents sentencing argument: Requests time served.

☒ Defendant exercises right of allocution.   ☒ The court imposes sentence.

☐ The government dismisses count(s) _____.   ☐ Defendant advised of appeal rights.

SENTENCING GUIDELINES:
Offense Level: 13
Criminal History: I
Imprisonment Range: 12-18 months
Supervised Release Range: 1-3 years
Fine Range: $5,500.00 - $55,000.00
Restitution: NA
SA: $200.00

- Ms. Taylor presents argument on guideline calculation.
- Mr. Mariano responds. Ms. Taylor replies.
- Court does not modify PSR.

SENTENCE IMPOSED:

Imprisonment:

| 12 | Months and 1 day as to Count(s) | One | of the Information. |
| 12 | Months and 1 day as to Count(s) | Two | of the Information. |

Imprisonment term for each count to be served ☒ concurrently ☐ consecutively.
TOTAL TERM OF IMPRISONMENT IMPOSED: 12 months and 1 day with credit for time served.

Probation: _____ Years as to Count(s) _____ of the _____.

Supervised Release: __Three__ Years as to Count(s) __One__ of the Information.
__Three__ Years as to Count(s) __Two__ of the Information.

MONETARY PENALTIES

Special Assessment: $ 200.00 due immediately

Fine: $ _____ ☒ fine waived

Restitution: $ NA ☐ determination deferred

JOINT AND SEVERAL PAYMENTS

☐ Fine and/or ☐ Restitution is **joint and several** with _____.
☐ Repayment of Buy Money is **joint and several** with _____.

FORFEITURE

☒ All property forfeited upon conviction or by order of the court shall be included in the criminal judgment.

RECOMMENDATIONS

☒ The court recommends the defendant's placement at a facility as close as NoVA as possible.
☐ The court recommends the defendant's participation in the Bureau of Prisons' 500-hour drug treatment program.
☐ Other: _____.

CUSTODY

☒ The defendant is remanded to the custody of the U.S. Marshal Service.
☐ The defendant is to voluntarily surrender at the institution designated by the Bureau of Prisons as notified by the U.S. Probation Office; ☐ on or after _____.

CONDITIONS OF SUPERVISED RELEASE/PROBATION

Special Conditions

☒ Drug Testing – Special Condition	☐ Home Confinement for _____ days
☐ Drug Testing – Standard Condition	☐ Home Confinement with Alcohol Testing for
☐ Drug Testing – Waived	_____ days
☐ Monthly Restitution Payment: $ _____	☐ Community Correctional Center: _____ days
☐ Monthly Fine Payment: $ _____	☐ Residential Re-Entry Center: _____ days
☐ Repay Buy Money – Total: $ _____.	☐ Cooperate with Bureau of Immigration/Customs
☐ Repay Buy Money: $ _____/month	☐ Cooperate with IRS
☐ No New Lines of Credit	☐ Cooperate with Child Support
☐ Financial Disclosure	☒ Participate in mental health treatment program
☐ Submit to search by USPO	☐ Participate in sex offender assessment/treatment
☐ No tavern employment or patronization	☐ Waive confidentiality – sex offender treatment
☐ No employment with fiduciary responsibilities	☐ No sexually-explicit materials w/minors
☐ No gambling	☐ No possession/viewing of pornography or erotica
☐ No transfer of assets in excess of $500.00	☐ Obtain GED or HSED
☒ No possession/use of computer – on-line access	☐ No contact – unrelated children under 18
☐ No possession/use of data encryption/erasure	☐ No contact with victim(s)
☐ Provide computer passwords and logons	☐ No contact with gang members
☐ Consent to computer searches	☐ Perform community service: _____ hours
☒ No possession or use extremist material	☒ No possession of weapons or parts of weapons